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COMMITTEE ON THE RIGHTS OF THE CHILD
Twenty-sixth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Concluding Observations of the Committee on the Rights of the Child

Dominican Republic

1. The Committee considered the initial report of the Dominican Republic (CRC/C/8/Add.40), received on 1 December 1998, and its supplementary report (CRC/C/8/Add.44), received on 13 December 2000, at its 693rd and 694th meetings (see CRC/C/SR. 693-694), held on 24 January 2001 and adopted* the following concluding observations.

A. Introduction

2. While the Committee welcomes the State party's initial report, it regrets its late submission and that it does not follow the guidelines established by the Committee. The Committee welcomes the written replies to its list of issues (CRC/C/Q/DOMREP/1) and the supplementary report (CRC/C/8/Add.44), which allowed for a clearer understanding of the situation of children in the State party. The Committee is encouraged by the constructive and open dialogue it had with the State party, whose delegation covered the major issues of the Convention, and also welcomes the positive reactions to the suggestions and recommendations made during the discussion.

* At the 697th meeting, held on 26 January 2001.

B. Positive aspects

3. The enactment of children's rights related legislation such as Law 14-94, also known as the Code for the Protection of Children and Adolescents (1994), the General Law on Education (1997), the Law against Family Violence (1997), the General Law for Youth (2000) and the General Law on Disabilities (2000) are regarded as positive steps for the implementation of the Convention in the State party.

4. The Committee welcomes the ratification of ILO Convention No. 138 concerning Minimum Age for Admission to Employment and ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999).

5. The Committee notes the establishment of special courts (tribunals and appeal courts) for children and adolescents and of the Supreme Court of Juvenile Justice within the Supreme Court.

6. The Committee also notes the signing (1996) of a memorandum of understanding between the State party and the International Labour Organization/IPEC as well as the establishment of the National Committee for the Eradication of Child Labour.

C. Factors and difficulties impeding the implementation of the Convention

7. Concern is expressed that widespread poverty and long-standing economic and social disparities are affecting the most vulnerable groups, including children, and hampering the enjoyment of the rights of the child in the State party.

D. Principal subjects of concern and recommendations

D.1 General measures of implementation

Legislation

8. While the Committee welcomes the enactment of Law 14-94 (Code for the Protection of Children and Adolescents) and notes the measures taken by the State party in preparation for the implementation of this law, it remains concerned about the lack of a comprehensive policy, including the required financial and human resources, and administrative reform, necessary for the full implementation of this legislation.

9. The Committee recommends that the State party complete, as a matter of priority, the implementation of Law 14-94 (Code for the Protection of Children and Adolescents). The Committee further recommends that the State party take effective measures, including the allocation, to the maximum extent, of available resources, both financial and human, for the full implementation of this legislation.

Coordination

10. While the Committee notes of the establishment of the Governing Body (Organismo Rector) as the institution in charge of ensuring the coordination of governmental bodies working to implement the Convention, it remains concerned about the limited capacity and resources of this Body to fulfil its mandate in a proper manner. The Committee is also concerned about the weak inter-institutional coordination and the duplication of action and functions. The Committee is further concerned at the low interaction and dialogue between the Governing Body and NGOs.

11. The Committee recommends that the State party take all measures to strengthen the coordinating role of the Governing Body to enable it to fulfil its mandate in an effective manner at the national, regional and local levels. Furthermore, the Committee recommends that the State party guarantee broader participation of civil society and non-governmental organizations in the Governing Body and effective cooperation with other national Councils (CONANI, CONAPLUVI, CONADIS, etc.).

Data collection and monitoring

12. The Committee expresses its concern at the lack of a data collection system covering all areas of the Convention and the lack of a system for monitoring compliance with the Convention. In particular, the Committee is concerned about the fact that children of Haitian origin born in the State party's territory or belonging to Haitian migrant families have not been included in the 1996 census and that statistics are very limited concerning children in conflict with the law.

13. The Committee recommends that the State party continue to develop and strengthen its data collection system, with a view to covering all areas of the Convention. Such a system should cover all children under 18 years of age, with specific emphasis on vulnerable groups of children, including children of Haitian origin born in the State party's territory or belonging to Haitian migrant families, as a basis for assessing the progress achieved in the realization of children's rights and in order to help design policies for better implementation of the provisions of the Convention.

14. The Committee further recommends that the State party establish an independent and effective system for monitoring compliance with the Convention, with a view to assessing progress achieved in the realization of children's rights and to evaluating policies for better implementation of the provisions of the Convention. In this regard, the Committee encourages the State party to seek international assistance from, inter alia, UNICEF.

Budget and financial resources for children

15. The Committee expresses its concern at the limited budget allocations and mobilization for the social sector, in particular for those areas addressing the needs of the most vulnerable groups of children, and also to support community activities (child rights committees, child

friendly municipalities) in the protection of the rights of the child. Furthermore, concern is expressed at the lack of specific disaggregated data on national budget allocations to meet the needs of children.

16. The Committee reiterates its recommendation that all measures to implement economic, social and cultural rights should be undertaken "to the maximum extent of ... available resources" in the light of articles 2, 3 and 4 of the Convention and that particular attention be paid to effective budget mobilization and allocation, in particular for the protection of children belonging to vulnerable and marginalized groups. The Committee further recommends that the State party develop a locally based system to monitor and evaluate the situation of children living in areas of extreme poverty, in order to make priority budget allocations for these groups of children.

Dissemination of the Convention

17. While aware of the measures undertaken to promote widespread awareness of the principles and provisions of the Convention, the Committee is of the opinion that these measures need to be strengthened. While acknowledging the existence of specific training for judges, the Committee is concerned that current training programmes for professionals working with and for children do not reach all such groups.

18. The Committee recommends that the State party strengthen its efforts to disseminate the principles and provisions of the Convention as a measure to sensitize society about children's rights through social mobilization. Special emphasis should be placed on the dissemination of the Convention among minority groups, as well as in rural and remote areas. The Committee encourages the State party to consider seeking technical assistance in this area from, inter alia, the Office of the High Commissioner for Human Rights and UNICEF.

19. The Committee encourages the State party to continue providing systematic education and training on the provisions of the Convention for all professional groups working with and for children, in particular parliamentarians, judges, lawyers, law enforcement officials, civil servants, municipal workers, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists, and social workers. Technical assistance from, inter alia, the Office of the High Commissioner for Human Rights and UNICEF could be requested in this regard.

D.2 Definition of the child

20. While noting the current review of the legislation on this issue, the Committee expresses its concern at the different minimum legal age for marriage with parental consent for girls (15 years) and for boys (16 years).

21. The Committee recommends that the State party raise and equalize the minimum legal age for marriage for boys and girls.

D.3 General principles

Non-discrimination

22. The Committee is deeply concerned at the discrimination against children of Haitian origin born in the State party's territory or belonging to Haitian migrant families, especially their limited access to housing, education and health services, and notes in particular the lack of specifically targeted measures to address this problem. Furthermore, concern is expressed at the existing patterns of economic and social disparities, and at gender and racial discrimination.

23. In the light of article 2 and other related articles of the Convention, the Committee recommends that the State party take, as a matter of priority, effective measures to ensure that children of Haitian origin born in the State party's territory or belonging to Haitian migrant families have the same access to housing, education and health services as other children. The Committee also recommends that the State party strengthen and increase measures to reduce economic and social disparities, including between urban and rural areas; to prevent discrimination against the most disadvantaged groups of children, such as girls, children with disabilities, children living in and/or working on the streets; and children living in rural areas; and to guarantee their full enjoyment of all the rights as recognized in the Convention.

Best interests of the child and respect for the views of the child

24. The Committee is concerned that two general principles of the Convention, as laid down in articles 3 (best interests of the child) and 12 (respect of the views of the child), are not fully applied and duly integrated into the implementation of the policies and programmes of the State party.

25. The Committee recommends that further efforts be made to ensure the implementation of the principles of the "best interests of the child" and "respect for the views of the child", especially his or her rights to participate in the family, at school, within other institutions and in society in general in order to empower children to their fullest development and dignity. These principles should also be reflected in all policies and programmes relating to children. Awareness raising among the public at large, including community leaders, as well as educational programmes on the implementation of these principles should be reinforced in order to change traditional perceptions of children as objects rather than subjects of rights.

D.4 Civil rights and freedoms

Birth registration

26. While the Committee takes note of the State party's efforts in the area of birth registration, it remains concerned that a large percentage of children are not registered and are not provided with identity cards, thus preventing them from enjoying their rights fully. In particular, concern is expressed about the situation of children of Haitian origin or belonging

to Haitian migrant families whose right to birth registration has been denied in the State party. As a result of this policy, those children have not been able to enjoy fully their rights, such as to access to health care and education.

27. In the light of article 7 of the Convention, the Committee recommends that the State party strengthen and increase its measures to ensure the immediate registration of the birth of all children. Special emphasis should be placed on the registration of children belonging to the most vulnerable groups, including children of Haitian origin or belonging to Haitian migrant families.

Ill-treatment

28. While noting the clear legislative prohibition of all forms of torture, the Committee expresses its concern about the persistent allegations that children are detained in conditions which amount to cruel, inhuman or degrading treatment, and of children being physically ill-treated by members of the police force.

29. In the light of article 37 and other related articles of the Convention, the Committee recommends that the State party use effectively its judicial mechanisms to deal with complaints of police brutality, ill-treatment and abuse of children, and that cases of violence against and abuse of children be duly investigated in order to avoid impunity for the perpetrators. The Committee encourages the State party to consider ratifying the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

D.5 Family environment and alternative care

Children deprived of family environment

30. The Committee remains deeply concerned at the weakness of family links, at the large numbers of children who have been deprived of a family environment and, in particular at reports regarding: difficulties and slow progress in tracing separated families and children; the lack of adequate mechanisms of protection for children living in institutions; the placement of children in institutions for long periods; and the predominant use of placement in institutions in preference to the development of alternative care measures (e.g., adoption and foster care).

31. The Committee recommends that the State party strengthen and increase its programmes, in collaboration with relevant NGOs, to support families in need, in particular single parent families and those in socio-economic or other difficult circumstances, such as very young couples with children. The Committee also recommends that the State party develop programmes to facilitate alternative care, in particular foster care, provide additional training for social and welfare workers, and establish independent complaint and monitoring mechanisms for alternative care institutions. The Committee urges the State party to make every effort to strengthen family tracing programmes and to increase its efforts to provide support, including training for parents, to discourage the abandonment of children. The Committee further

recommends that the State party ensure adequate periodic review of placement of children living in institutions, and establish an independent and easily accessible complaint monitoring mechanism for those children.

32. The Committee encourages the State party to ratify the Hague Convention of 1993 on the Protection of Children and Cooperation in Respect of Inter-country Adoption, as well as bilateral agreements.

Protection from abuse and neglect

33. While the Committee welcomes the adoption of special legislation criminalizing domestic violence, the designation of April as the Month of Child Abuse Prevention and the creation of a hotline for abused children, it expresses its concern that physical and sexual abuse - within and outside the family - widely exist in society. Concern is also expressed at the insufficient allocation of resources, both financial and human, as well as at the lack of adequately trained personnel to prevent and combat such abuse. The insufficiency of rehabilitation measures and facilities for victims and their limited access to justice are also matters of concern.

34. In the light of articles 19 and 39 of the Convention, the Committee recommends that the State party take effective measures, including reinforcing current multi-disciplinary programmes and rehabilitation measures, to prevent and combat child abuse and ill-treatment of children within the family, at school and in society at large. It suggests that law enforcement should be strengthened with respect to such crimes; adequate procedures and mechanisms to deal with complaints of child abuse should be reinforced in order to provide children with prompt access to justice and to avoid impunity for the offenders. Furthermore, educational programmes should be established to combat traditional attitudes within society regarding this issue. The Committee encourages the State party to consider seeking international cooperation to this effect from, inter alia, UNICEF.

D.6 Basic health and welfare

35. While taking note of the State party's achievements in the area of basic health and welfare, the Committee is concerned about the very high infant and under-five mortality rates as well as at the prevalence of malnutrition among children. Concern is also expressed at the limited access to health centres, in particular in rural areas. The persistence of health problems related to insufficient access to safe water and sanitation are also matters of concern.

36. The Committee recommends that the State party continue taking all appropriate measures to improve the health infrastructure, including through international cooperation, to ensure access to basic health care and services for all children and to increase access to safe drinking water and sanitation. More concerted efforts need to be taken to combat malnutrition and to ensure the adoption and implementation of a national nutritional policy and action plan for children. The Committee further recommends that the State party undertake initiatives related to the reduction of infant mortality such as the "Integrated Management of Childhood Illnesses" (IMCI), a joint programme of the World Health Organization (WHO) and UNICEF.

Adolescent Health

37. The Committee expresses its concern at the high teenage pregnancy and maternal mortality rates; at the insufficient access by teenagers to reproductive health and sexual education and counselling services, including outside schools; at the increasing rate of HIV/AIDS, STDs and drug and substance abuse (e.g., glue-sniffing) among children and adolescents; and at the lack of information on mental health.

38. **The Committee suggests that a comprehensive and multi-disciplinary study be undertaken to understand the scope of the phenomenon of adolescent health problems, especially early pregnancies and maternal mortality. The Committee recommends that the State party adopt comprehensive adolescent health policies and strengthen reproductive health and sexual education and counselling services. The Committee further recommends the State party to continue taking measures for the prevention of HIV/AIDS and to take into consideration the Committee's recommendations adopted on its Day of General Discussion on "Children living in a world with HIV/AIDS" (CRC/C/80). The Committee also recommends that further efforts, both financial and human, be undertaken for the development of child friendly counselling services, as well as care and rehabilitation facilities for adolescents. Measures to combat and prevent substance abuse among children should be strengthened. The Committee also recommends the development of mental health services.**

Children with disabilities.

39. While noting the adoption of the General Law on Disabilities (2000) and the creation of the National Council on Disability, the Committee is concerned at the lack of data on children with disabilities and the insufficient measures taken by the State party to ensure effective access of these children to health, education and social services, and to facilitate their full inclusion in society. The Committee is also concerned about the small number of well-trained professionals working with and for children with disabilities.

40. **In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96), the Committee recommends that the State party develop early identification programmes to prevent disabilities, implement alternatives to the institutionalization of disabled children, envisage awareness-raising campaigns to reduce discrimination against disabled children, promote their inclusion in regular education and society at large, and when necessary establish special education programmes and centres. The Committee further recommends that the State party seek technical cooperation for the training of professional staff working with and for children with disabilities. International cooperation from, inter alia, UNICEF and WHO can be sought to this effect.**

D.7 Education, leisure and cultural activities

41. The Committee welcomes the State party's efforts in the field of education, in particular the inclusion of human rights' teaching, including children's rights, in the school curricula, but it remains concerned about the high drop-out and repetition rates in primary and secondary

schools, disparities between urban and rural areas in terms of access to education and to quality education, the insufficient number of well-trained teaching staff and children's limited access to materials and text books. Concern is also expressed at various forms of discrimination and exclusion which still affect the right to education of certain groups of children, such as pregnant adolescents, unregistered children, children with disabilities and children of Haitian origin born in the State party's territory or belonging to Haitian migrant families, reflecting insufficient attention to article 29 of the Convention.

42. **In the light of article 28 and other related articles of the Convention, the Committee recommends that the State party continue its efforts in the field of education by strengthening its policies and system in order: to improve on-going retention programmes and vocational training for drop-out students; to improve schools' infrastructure; to continue with curricular reform, including teaching methodologies; to eradicate regional disparities with reference to school enrolment and attendance; and to implement special education programmes taking into account the needs of vulnerable children. The Committee further recommends explicit inclusion of the aims of education as mentioned in article 29 of the Convention in the school curricula.**

D.8 Special protection measures

Economic exploitation, including child labour

43. The Committee remains concerned that a large number of children are still involved in labour activities, particularly in the informal sector, including as domestic workers, in agriculture and in the family context. Concern is also expressed about the insufficient law enforcement and lack of adequate monitoring mechanisms to address this situation.

44. **In the light of, inter alia, articles 3, 6 and 32 of the Convention, the Committee recommends that the State party continue working in cooperation with ILO/IPEC for the establishment and implementation of a national plan for the elimination of child labour and undertake all the actions envisaged in the Memorandum of Understanding with ILO/IPEC (1996). The situation of children involved in hazardous labour, especially in the informal sector where the majority of working children are found, requires special attention. The Committee also recommends that the child labour laws be enforced, that labour inspectorates be strengthened and that penalties be imposed in cases of violation.**

Children living and/or working on the streets

45. Concern is expressed at the large number of children living and/or working on the streets.

46. **The Committee recommends that the State party develop a comprehensive policy to address this issue, including: adequate access to health care; rehabilitation services for physical, sexual and substance abuse; services for reconciliation with families; and education, as well as vocational and life-skills training. The Committee also recommends that the State party cooperate and coordinate its efforts with civil society in this regard and provide existing non-governmental programmes with more support.**

Sexual exploitation

47. While noting the creation of the National Inter-Agency Commission for the Prevention and Eradication of Child Prostitution in Tourist Centres, the Committee expresses its concern at the absence of data and of a comprehensive study on the issue of sexual commercial exploitation and sexual abuse of children, as well as at the lack of implementation of the National Plan of Action to address this issue. In addition, the Committee expresses its deep concern at the increase of the number of children in the State party suffering from sexual commercial exploitation, apparently often related to sex tourism.

48. In the light of article 34 and other related articles of the Convention, the Committee recommends that the State party undertake studies with a view to strengthening current policies and measures, including care and rehabilitation policies and measures to prevent and combat this phenomenon. The Committee recommends that the State party take into account the recommendations formulated in the Agenda for Action adopted at the 1996 Stockholm World Congress against Commercial Sexual Exploitation of Children.

Administration of juvenile justice

49. With regard to the administration of the juvenile justice system, the Committee expresses its concern at the slow pace of implementation of the juvenile court system; at the lack of data on children involved in the juvenile justice system; at the conditions in specialized centres for children in conflict with the law; at the situation of children detained in prisons with adults; at the limited training programmes for professionals working in the juvenile justice system.

50. The Committee recommends that the State party continue undertaking effective measures to overcome all existing (see para. 47) obstacles to the full implementation of its juvenile justice system in accordance with the Convention, especially articles 37, 40 and 39, and other relevant international standards such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. In this regard, the Committee further suggests that the State party consider seeking technical assistance from, inter alia, the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF through the Coordination Panel on Technical Advice and Assistance in Juvenile Justice.

Optional protocols

51. The Committee encourages the State party to ratify and implement the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict.

Dissemination of the reports (art. 44)

52. Finally, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.